S.B. Civil Writ Petition No.7513/02

25.01.2007

Hon'ble Mr. Justice Mohammad Rafiq

Mr. M.C. Sharma , Advocate for petitioner.

Mr. R.B. Mathur, Advocate for respondent.

In this writ petition although under challenge is the auction notice dated 25.9.2002 and the order dated 6.8.2002 passed by the respondent, the dispute in substance pertains to recovery sought to be made from the petitioner by the respondents on account of certain uncleared loans. The learned counsel for the petitioner has invited attention of the Court to a scheme floated by the respondent Rajasthan Co-operative Department by Circular dated 30.8.2002 which has been described as Recovery

Incentive Scheme according to which, in case the debtor of the bank deposit 1/4th of the due amount, his case shall be considered in accordance with the scheme. He also invited our attention towards the fact that the respondent bank itself has informed the petitioner by their communication dated 29.11.2006 for availing the benefit under the said scheme.

Mr. M.C. Sharma, learned counsel for the petitioner submits that already the petitioner has deposited a sum of Rs.1,25,000/- on 20.3.2006 in terms of the provisions of the said scheme. He submits that even though the petitioner has requested the respondent bank to finalise his case and let him know as to what remaining amount he is required to pay after the issue is settled in terms

of the said scheme, the bank has so far not informed him.

In the facts of the case, it is deemed proper to dispose of this writ petition with the direction to the respondents to settle the case of the petitioner in terms of the said scheme as expeditiously as possible but not later than three months from the date copy of this judgment is produced before them.

With the above observations, this writ petition is disposed of with no order as to costs. Till final order on the question of settlement is passed the status quo already directed shall be maintained.

(Mohammad Rafiq),J.

Rs/-